

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF TEXAS
FORT WORTH DIVISION**

Mitchell Ryan

Plaintiff,

v.

Grapevine-Colleyville Independent School
District and Jorge Rodriguez in his official
capacity as GCISD School Board President

Defendants.

ORAL HEARING REQUESTED

Civil Action No. 4:21-cv-01075-P

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

COMES NOW Plaintiff Mitchell Ryan and, pursuant to his Verified Complaint in this matter, files this Motion for a Temporary Restraining Order and a Preliminary Injunction, along with the accompanying Brief in Support.

As addressed in the Verified Complaint, Defendants have adopted and are enforcing against Mr. Ryan a Speech Content Policy and Ad Hoc Viewpoint Policy. As a result of the enforcement of either or both of these policies, Mr. Ryan has been and expects to be prohibited from speaking on certain subjects, specifically his criticisms of certain GCISD district employees, during GCISD's otherwise open public forums.

Ryan moves the Court issue a Temporary Restraining Order and, upon hearing, a Preliminary Injunction pending trial on the merits. Such Temporary Restraining Order and Preliminary Injunction should enjoin Defendants Grapevine-Colleyville Independent School District and GCISD School Board President Jorge Rodriguez from taking any actions to enforce GCISD's official policy prohibiting comments containing the names of district employees or "attacks of a personal nature" or President Rodriguez's unofficial policy prohibiting comments critical of or complaining of district employees during the district's open public forum portion of its meetings.

Because this lawsuit is brought to vindicate Mr. Ryan's First and Fourteenth Amendment rights, and because there are no conceivable damages that could result to the Defendants from the issuance of a temporary restraining order or preliminary injunction, Mr. Ryan requests that any bond requirement be waived or that the bond requirement be otherwise set at zero or some other nominal amount. *See Continuum Co. v. Incepts, Inc.*, 873 F.2d 801, 803 (5th Cir. 1989) (recognizing that "some courts have waived the security requirement when they have found that the plaintiff was . . . very likely to succeed on the merits").

Mr. Ryan requests an opportunity to be heard by the Court through counsel, either in person, telephonically, or via remote video technology. Because there is an impending Grapevine-Colleyville ISD school board meeting scheduled for September 27, 2021 at 7:00pm, Mr. Ryan requests the court issue a Temporary Restraining Order prior to the start of that meeting.

Respectfully submitted,

THE LAW OFFICES OF TONY McDONALD

By: /s/ Tony McDonald

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Counsel for Plaintiff

Dated September 21, 2021

Certificate of Service

I certify that on September 21, 2021, I electronically submitted the forgoing document with the Clerk of the Court for the U.S. District Court for the Northern District of Texas, using the CM/ECF system of the Court. The electronic case filing system sent “Notice of Electronic Filing” to individuals who have consented in writing to accept this notice of service by electronic means. I also certify that I have contacted the Defendants and attempted to provide a copy of this document, the Verified Complaint, and the accompanying brief to counsel for Defendants by electronic mail.

/s/ Tony K McDonald
Tony K McDonald
Counsel for Plaintiff